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March 24, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW,
Suite TW-A325
Washington, DC 20554

Re: Texas State Technical College
Filer 499 ID 825674
FRN 0007936313
IRS EIN 74-1646969
EB Docket No. 06-36
2010 Certification Submission & Statement of Non-applicability

Dear Sirs:

Texas State Technical College ("TSTC"), by counsel, hereby submits a 2010 Annual CPNI Certification, but continues to maintain that under the Commission's rules it is not subject to either CPNI or annual certification filing requirements. In 2006 and 2007 TSTC erroneously filed a form 499-A and subsequently received a letter of inquiry regarding a failure to timely file a 2007 CPNI certification. Thereafter, TSTC received a notice of apparent liability regarding the 2007 CPNI certification (DA 09-240), to which it responded on March 26, 2009 (File No. EB-08-TC-5674). Therein, TSTC informed the Commission that it was not subject to the CPNI requirements or to the certification requirement because TSTC does not fit within the definition of a Telecommunications Carrier under Section 64.2003(o), and is not providing Telecommunications Services as defined within Section 64.2003(p) of the Commission's Rules. Accordingly, TSTC requested that the Commission cancel the forfeiture assessment. The Commission has not yet issued a ruling on the matter.

TSTC also submitted a letter to USAC on April 1, 2009, stating that TSTC had erroneously filed 499-A reports in 2006 and 2007 and asked that they be purged from the system. TSTC noted that it does not provide interstate telecommunications to the public as defined in Section 54.706 of the Commission's Rules, but rather non-interstate, non-interconnected IP and video bridging services only to itself and other Texas state educational and governmental entities. TSTC further noted that even had it fallen under the definition of an interstate telecommunications carrier, TSTC, as an agency of the State of Texas and as an educational institution, falls squarely under the exception for government, broadcasters, schools and libraries,

and would therefore be exempt from Form 499-A filing and universal service fund contribution requirements. (copy of letter attached).

While TSTC does not believe that it is subject to the CPNI rules or the certification requirement, because the FCC has yet to rule on TSTC's response to the February 2009 notice of apparent liability and out of an abundance of caution, TSTC will continue to submit annual certifications until such time as that matter is concluded in TSTC's favor. Accordingly, attached is a certification for TSTC regarding its maintenance of CPNI procedures for the 2010 calendar year. (the original signature paper copy is also being submitted through the Secretary's office).

Please direct any questions regarding this matter to undersigned counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Evan D. Carb", written over a horizontal line.

Evan D. Carb, Esq.

Enclosures

cc (via Email) : Marcy Greene, Deputy Chief, Telecommunications Consumers Division
Best Copy & Printing, Inc.



March 24, 2011

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., Suite TW-A325
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Re: Annual 64.2010(e) CPNI Certification for 2010
Texas State Technical College
499 Filer ID No. 825674
EB Docket No. 06-36

Dear Ms. Dortch:

This statement is to certify that Texas State Technical College West Texas ("TSTC") has not and does not sell any customer information to anyone or to any company. TSTC is a not for profit educational agency of the State of Texas, in part providing educational communications resources for video distribution and internet to itself and other state schools and institutions in Texas Educational Service Center Region 14. TSTC keeps all customer information and records, both paper and electronic, in a secure location and uses such information only for billing purposes and to discuss with customers service level adjustments and usage history. Access to that location, as well as the information stored there, is strictly limited to a few authorized personnel of TSTC, each of whom has been trained in the need to maintain the strictest security respecting customer proprietary information. Technical staff managing the system is also under strict instructions not to share information regarding customers and usage patterns with third parties.

A review of TSTC's policies and internal practices reveals that TSTC adequately safeguarded the proprietary information of its customers and complied with the requirements of subpart U of Section 64 of the Commission's Rules for the period in question. As noted above TSTC does not use any of its customer proprietary information for marketing and does not sell such information to third parties. Additionally, TSTC's policies and practices with regard to such information restricted its availability to but a few technical and billing personnel. Over the past year, TSTC has not received any customer complaints regarding the unauthorized release or mishandling of proprietary information. Additionally, TSTC did not take any actions against data brokers between January 1, 2010 and the date of this letter.

TSTC has disseminated its policy to and has trained all personnel associated with such communications services to treat such customer information and customer records as proprietary information and to not share information with any outside parties. Attached to this certificate is a copy of TSTC's policy regarding the procedures employed for the protection of customer information.

Annual 64.2010(e) CPNI Certification for 2010
Texas State Technical College

The undersigned, Shelli Scherwitz, Director of Telecommunications Services of TSTC, hereby certifies under penalty of perjury that I am the Director of Telecommunications and an officer of TSTC and responsible for the preparation of this certificate and oversight of TSTC's compliance with the CPNI rules. I further certify to the truth and accuracy of the information contained in this certificate, that I have personal knowledge of TSTC's operating procedures, and that TSTC has established operating procedures adequate to ensure compliance with the FCC's CPNI rules set forth in §§64.2001 *et seq.*

The undersigned, Ricardo Herrera is the Chief Technology Officer and an officer of TSTC, and as such has oversight over the department providing carriage services and reviews its policies and procedures, but relies on the director of that department as the person with personal knowledge regarding the implementation of such policies and procedures. I certify on behalf of TSTC and based on the statements made herein by Shelli Scherwitz, the Director of Telecommunications Services, that TSTC has established operating procedures adequate to ensure compliance with the FCC's CPNI rules set forth in §§64.2001 *et seq.*



Shelli Scherwitz, Director - Telecommunications Services

March 24, 2011

Date



Ricardo Herrera, Chief Technology Officer

3-24-2011
Date

Attachment

cc: Enforcement Bureau, FCC
Best Copy and Printing, Inc.

TEXAS STATE TECHNICAL COLLEGE WEST TEXAS
CUSTOMER INFORMATION POLICY

To protect the proprietary and private information about our customers, Texas State Technical College, West Texas, has established this internal policy regarding customer information:

1. All of the TSTC's proprietary carrier data bases, including that containing customer information, are password protected, and access to same is limited to authorized personnel only. Access to TSTC's network is by password and distribution of the database password is limited to authorized personnel, and is changed periodically.
2. Employees are to closely guard customer lists, contact information, telephone numbers, mobile code lists, Email addresses and all other customer information, both proprietary and public, to prevent any information from being removed from our offices by non-employees, either accidentally or intentionally.
3. Customer information may not be removed from the TSTC offices by employees or others, except for meetings with customers themselves, in which case such information must be returned to the files immediately following such meeting. This includes computer printouts, handwritten information or notes, photocopies of files or documents or copies in any electronic form, and verbal transmission of customer information to persons who are not direct employees of the TSTC.
4. Internal documents, notes made on customer visits or when customers call in, and anything containing customer proprietary information must be promptly filed or shredded.
5. Each new customer is asked to select a personal password and security question, which password and information is to be used for identification purposes before discussing such customer's account over the phone. At the start of any phone contact with a customer, the customer must confirm his/her identity by providing his/her password or answering the security question and must authorize the TSTC employee to review his/her account information before any matter involving CPNI may be discussed with the customer. If the customer chooses to not use a password, they must verify their social security or Tax ID number and current billing address before information is given to them regarding their account.
7. Customer information is never to be used or disclosed to anyone, except as follows:
 - (a) to market the company's service offerings to customer;
 - (c) to protect the company's own rights and property, and to protect the rights of other carriers or other users of services from fraudulent, abusive or unlawful use;
 - (d) to comply with the company's obligations to provide certain customer information when lawfully requested by law enforcement authorities pursuant to the Communications Assistance for Law Enforcement Act ("CALEA"); and
 - (e) to resolve specific customer questions about the customer's own account following identification verification and prior authorization are obtained.

8. Disconnected or inactive customer files are to be retained for no more than three (3) years, and then shredded. Disconnected or inactive customer files are never to be placed in the trash unshredded. Customer database printouts are to be shredded when replaced by newer printouts.
9. Appropriate disciplinary action will be taken for any violations of this policy.